(3)

CP 1004

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

W.P.NO. 3786 /2003

PETITIONER

Dev singh Chandra, son of Late Bahadur Chandra, aged about 39 years presently working as Sarpanch of the Gram Panchayat Beladula, Post Janjgir, Distt. Janjgir and Champa (CG)

VERSUS

RESPONDENTS

1. The State of Chhattisgarh, through the Secretary, Department of Panchayat and Rural Development, Dau Kalyan Singh Bhawan, Raipur (Chhattisgarh)

2. The Director (Panchayat and rural Development) D.K.S. Bhawan, Raipur

3. Collector, Janjgir-Champa.

4. M.R. Sarthi, Collector, District Janjgir-Champa (C.G.)

5. The Sub Divisional Officer (R) Shakti, distt. Janjgir-Champa (Chhattisgarh).

6. Leela Ram Chandra, son of Bedkaram aged about 35 years resident of Beladula, Tah. Janjgir, Distt. Janjgir-Champa (Chhattisgarh) (**COMPLAINANT)**

P. R. No. 3591/03
Presented by Shri A. N. Dhakate
dated 15/11/03

RECEIVED-COPY
Bilaspur

WRIT PETITION UNDER ARTICLE 226 /227 OF THE CONSTITUTION OF INDIA

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P.No. 3786/03

मामला क्रमांक ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	19.12.2003 Petitioner by Shri A. N. Bhakta, Advocate. Shri Praveen Das, Panel lawyer on behalf of the Respondents No. 1, 2, 3 and 5. By this petition under Article 226/227 of the Constitution of India the petitioner has challenged the order dated 28.10.2003 Annexure P/1 passed by the Director, Panchayat by which the stay application of the petitioner has been rejected. The petitioner's case is that he was elected as Sarpanch of Gram Panchayat Beladula and was working till date. The Respondent No.6 encroached upon a Govt. land and made illegal construction on that land. The Gram Panchayat passed a resolution on 30.3.2002 to remove the encroachment in the interest of villagers, some encroachers amongst them Leelaram Chandra was also one of them. In compliance of the resolution, the Gram Panchayat issued a show cause notice dt. 12.4.2002 to the Respondent No.6 to remove encroachment. In spite of that the respondent did not remove the encroachment. The Respondent No.6 made a complaint to the Chief Minister on the basis of the above complaint the Collector directed for enquiry, which was made by the Tahsildar and after detailed inquiry the said complaint was found false. The inquiry report of Tahsildar dt. 5.6.2003 Annexure P/5 was submitted to the Collector. Thereafter the Collector again issued a notice and directed for a separate inquiry by an inquiry committee	

XI-HC—78

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against the petitioner regarding the allegation of acceptance of Rs. 4000/- from the complainant/Respondent No.6. In this order the Collector has also directed that inquiry report be submitted on 11.8.2003. The Collector issued a letter to the S.D.O. to take action against the petitioner under section 40 of the Panchayat Raj Adhiniyam, 1993. The Collector personally took interest and threatened to singe on blank paper that he has accepted Rs. 4000/- from the complainant/Respondent No.6. Although the petitioner has made all protest not to sign the paper but under the pressure of Collector he signed the papers. Copy of the said paper is Annexure P/8. Ultimately the petitioner was removed by the S.D.O. against which the petitioner filed an appeal before the Collector. The interim application was rejected by the Collector, then the petitioner filed a revision before the Director, Panchayat who also rejected the stay application and the appeal is still pending before the Collector.

Having gone through Annexure P/8 I am of the opinion that no case for interim stay is made out, however looking to the facts and circumstances of the case the Collector/Respondent No.3 is directed to dispose of the appeal of the petitioner within a period of one month from the date of production of certified copy of this order by the petitioner.

With the above direction this petition is disposed of finally.

Parties are entitled for certified copy of this order.

Sd/-
L.C.BHADOO
Judge